

August 17, 1953

Warren E. Waters
Assistant Attorney General

Attorney General

NEW HAMPSHIRE LAW LIBRARY

Major General Charles T. Patton
The Adjutant General
State House

SEP 03 1998

CONCORD, N.H.

Dear Sir:

As your request, your file pertaining to the bonus application of Lt. Colonel Frank T. Hinkley has been examined in this office.

In a long series of opinions, this office has uniformly held that the phrase "resident of this state" is to be held the equivalent of "domiciliary of this state." An applicant must show, then, in order to qualify for the bonus, more than mere physical presence in the state; he must show, in addition, that he has voluntarily elected the state as his domicile.

The present case shows only that the applicant -- after a series of moves to various parts of the country pursuant to official orders -- again pursuant to such orders, found himself in New Hampshire at the time he was directed to proceed to active duty in the military service. In connection with his presence in this state, there is found none of the indicia of the intention which, coupled with physical presence, is requisite to make his domicile in this state. Under such circumstances, you may properly hold that the applicant has failed to establish his entitlement to the bonus.

Very truly yours,

Warren E. Waters
Assistant Attorney General

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